

NO WRITTEN DISCOVERY MOTION
CHAMBERS POLICY OF HON. ELIZABETH E. BROWN

NOTICE TO PRACTITIONERS: This division has noticed a substantial increase in written discovery disputes during the pendency of adversary proceedings, contested matters and authorized examinations under FED. R. BANKR. P. 2004. The process of drafting, filing and litigating written discovery motions, including but not limited to responses, replies and briefs, delays adjudication on the merits at great time and expense to the parties. Consistent with FED. R. BANKR. P. 7026-7037 and 9014(c), and Local Bankruptcy Rules 7016-1, 7026-1 and 7026-2, this division has adopted a streamlined “no written discovery motion” procedure to ensure expedited and inexpensive resolution of discovery disputes, while providing the parties with an opportunity to be heard on such matters within a reasonable time frame.

Effective January 28, 2014 for all cases, no written discovery motions will be permitted, with the limited exception of motions for protective orders pursuant to FED. R. CIV. P. 26(c) as circumstances may demand. The Court will address discovery disputes with a hearing, rather than by formal written motions. The following procedure shall apply to discovery disputes arising in connection with adversary proceedings, contested matters and authorized examinations under FED. R. BANKR. P. 2004. before this division:

- a. If there is a discovery dispute, parties must confer in a meaningful way to try to resolve any issues prior to requesting a discovery hearing.
- b. If the parties cannot resolve the dispute without the assistance of the Court, parties shall send a joint email to the courtroom deputy/judicial assistant for this Court (courtroomf@cob.uscourts.gov) during normal business hours to schedule a hearing. Except as provided in subsection (e) below, the Court will hear discovery disputes on Thursdays at 2:15 p.m. The parties must provide a minimum of seven days notice to schedule a discovery hearing.
- c. The discovery dispute will be argued and resolved at the hearing, or taken under advisement with a prompt ruling by the Court. The parties **and** counsel **must appear in person** at the hearing, unless otherwise authorized by the Court.
- d. The parties shall each file a **one page** report by the Monday before the scheduled hearing, identifying the discovery issue(s) in dispute without elaboration or argument. The report may contain citations to critical supporting legal authority. **DO NOT** file any written motion, briefs, copies of written discovery or any other attachments unless expressly requested by the Court.
- e. If a dispute arises during a deposition or Rule 2004 examination, counsel may call Mariah Reynolds, Courtroom Deputy at 720-904-7346 to request an immediate telephonic hearing. If the judge is available, the dispute will be heard immediately.

This policy shall remain in effect **FOR THIS DIVISION ONLY** as an interim measure until further notice.